

1 the original of 66 before the hearing. You said there was a  
2 fax stamp at the top of Exhibit 66 that didn't show up on  
3 the copy I had; is that correct?

4 A Yes.

5 Q The original copy.

6 A That is correct.

7 Q If you could just read for the record when the fax  
8 stamp --

9 A It reads June 12, '96, Wednesday, 12:33, Metroplex  
10 Two Way Radio.

11 Q Okie-doke. Thank you.

12 JUDGE STEINBERG: What telephone number -- is  
13 there a telephone number on the fax?

14 THE WITNESS: There is no phone number on the fax.

15 JUDGE STEINBERG: Okay, let me read it.

16 (Pause.)

17 JUDGE STEINBERG: Thank you.

18 THE WITNESS: Yes, Your Honor.

19 BY MR. KNOWLES-KELLETT:

20 Q Did you have any discussion with Ron Brasher that  
21 O. C. Brasher was dead at this time in 1996?

22 A No, I did not.

23 Q Okay. Were you aware that Metroplex Two Way Radio  
24 and DLB were the same entity?

25 A Yes, as a matter of fact I believe that there was

1 an application or two that read DLB Enterprise, doing  
2 business as Metroplex Two Way Radio, so yes, I did know they  
3 were one and the same or affiliated.

4 (Pause.)

5 BY MR. KNOWLES-KELLETT:

6 Q Did you ever specifically tell Ron that the only  
7 way he could get all these frequencies was to put the  
8 applications in the name of additional people?

9 A No.

10 Q Did you ever discuss with Ron Brasher filing  
11 applications without the consent of any of these people?

12 A No.

- 13 (Pause.)

14 BY MR. KNOWLES-KELLETT:

15 Q Did you ever have any discussions with Ron Brasher  
16 about whether it was okay to submit an application in the  
17 name of a deceased person?

18 A No.

19 Q Turning to Exhibit 9 again.

20 A I'm there.

21 Q Did Ron Brasher ever discuss with you that putting  
22 the application in the name of Ruth Bearden was in any way a  
23 mistake?

24 A Not that I recall.

25 Q Do you think you would recall it if Ron Brasher

1 ever discussed with you that the application had been  
2 prepared in the wrong name?

3 MR. ROMNEY: Objection; speculation.

4 JUDGE STEINBERG: I think it's in the nature of --

5 MR. KNOWLES-KELLETT: I want to test --

6 JUDGE STEINBERG: If he had -- I will overrule the  
7 objection because I think he's just trying to determine if  
8 that's the type of conversation that the individual would  
9 remember; is that --

10 MR. KNOWLES-KELLETT: Right.

11 JUDGE STEINBERG: So you might want to ask it like  
12 that.

13 BY MR. KNOWLES-KELLETT:

14 Q Is it the type of conversation that you would  
15 remember if it was discussed if there was mistake regarding  
16 the preparation of an application?

17 A Yes, I believe that I would.

18 Q Okay.

19 MR. KNOWLES-KELLETT: Pass the witness, Your  
20 Honor.

21 JUDGE STEINBERG: Let's take a break now.

22 (Whereupon, a recess was taken.)

23 JUDGE STEINBERG: On the record now.

24 Mr. Schwaninger?

25 CROSS-EXAMINATION

1 BY MR. SCHWANINGER:

2 Q Good morning, John.

3 A Good morning.

4 Q I'm going to be going over a little bit of your  
5 previous testimony, and in going over some of your previous  
6 testimony I will probably attempt with some  
7 characterizations. If at anytime I mischaracterize anything  
8 you said previously, you just let me know.

9 A All right.

10 Q I'm not trying to change the tenor or the tune or  
11 the hue of anything you have said up till now. I just will  
12 need some clarification.

13 A All right.

14 Q All right?

15 For the record just to make sure we all know, you  
16 were talking about your previous experience and training.

17 You are not a lawyer, are you?

18 A No, I am not a lawyer.

19 Q All right. And earlier I believe --

20 MR. KNOWLES-KELLETT: Knowles-Kellett.

21 BY MR. SCHWANINGER:

22 Q -- the Bureau had you read from 90.313; is that  
23 correct?

24 A That's correct.

25 Q All right. And that's not the first time you've

1 read 90.313?

2 A No, it is not.

3 Q All right. Now, your testimony was that you  
4 believed that that section would restrict an applicant to  
5 applying for only one channel at a time; is that correct?

6 A Yes.

7 Q Would your testimony change if that applicant were  
8 a large fleet operator who wanted to serve 700 mobile units?

9 A That does not change the FCC rule. However,  
10 especially in T-band 470 to 512 megahertz, that was -- that  
11 was the first spectrum below 800 megahertz where trunking  
12 was legal, and as a matter of fact at one point trunking in  
13 T-band was specifically mentioned in the rules for certain  
14 cities.

15 Now, I don't believe that Dallas was one of those  
16 cities. But -- and this kind of goes back to a comment that  
17 I made earlier as to sometimes it's a little bit confusion as  
18 to what rules we abide by, whether it be the rules of the  
19 FCC or the rules of the frequency coordinator.

20 And although the rule in the text of Part 90 is  
21 very specific about that, coordinators have had various  
22 interpretations of what you can and cannot do, and at times  
23 coordinators did allow people to apply for more channels  
24 than that rule called for.

25 Q Then is it your testimony, and please don't allow

1 me to mischaracterize it, then it is your testimony that  
2 despite how you read the rule you believe coordinators have  
3 interpreted the rules in other ways at various times?

4 A Yes, that is correct, and it doesn't matter how I  
5 read the rule because I'm not a lawyer. It's not my job to  
6 determine what's legal. That's the job of the Federal  
7 Communications Commission, and as far as I'm concerned, in  
8 part, of the frequency coordinator.

9 Q In your practice, if you require an interpretation  
10 of an FCC rule, where do you turn?

11 A If I require a legal interpretation, then I turn  
12 to an attorney. In many cases it's been Mr. Schwaninger.

13 Q Have you ever turned to PCIA for a legal  
14 interpretation of a rule?

15 A Yes, I have. Yes, I have.

16 Q Is it possible that you turn to PCIA for an  
17 interpretation of 90.313?

18 A Indirectly yes. And when I say indirectly, I may  
19 not have -- I may not have specifically said, "Interpret  
20 90.313." I may have said, "Can this applicant get more --  
21 how many channels can this applicant get?" That's, in  
22 essence, an interpretation.

23 Q Now, you talked, or excuse me, you testified  
24 earlier that there is -- well, strike that. Let me start  
25 again.

1           Do the frequency coordinators create internal  
2 policies for the acceptance of applications?

3           A     Yes, I believe they do.

4           Q     And when the frequency coordinators create  
5 internal policies, are these policies -- excuse me -- are  
6 applicants required to follow these policies?

7           A     If you want your application coordinated, yes.

8           Q     If an applicant disagrees with a frequency  
9 coordinator's interpretation of an FCC rule, what avenues  
10 are open to that applicant?

11          A     He can insist that the -- and I may be off on my  
12 terminology here a little bit. He can insist that the  
13 coordinator pass that application on to the FCC without  
14 their certification and let the FCC make the decision.

15          Q     Have you ever participated in an application that  
16 was submitted to the FCC in that manner?

17          A     Yes, I have. I can't remember a whole lot of  
18 details on it, but I remember doing that once.

19          Q     Do you remember what the outcome was, whether or  
20 not the application resulted in a license?

21          A     I believe it did result in a license.

22          Q     Do you remember how long it took for that  
23 application to result in a license?

24          A     I think it took quite some time. Maybe a year or  
25 two.

1           Q     So is it your testimony that a typical applicant  
2     has one of two avenues, either they can comply with the  
3     policies of the frequency coordinator, or they can submit an  
4     application to the FCC or cause it to go without -- excuse  
5     me, this is getting to complex. Let me try again.

6                     Is it your testimony that an applicant either go  
7     along with the frequency coordinator's policies or suffer a  
8     potential delay of a year or two of getting a grant on their  
9     application?

10           A     Yes, that's correct.

11                     JUDGE STEINBERG: What's the normal time period  
12     for getting a grant if it goes through -- let's say from you  
13     to PCIA to the Commission?

14                     THE WITNESS: Normally PCIA --

15                     JUDGE STEINBERG: In T-band.

16                     THE WITNESS: In T -- well, I really haven't done  
17     a whole of T-band here recently, but I would think that  
18     PCIA, who does the bulk of the T-band applications, would  
19     probably right now take somewhere in the neighborhood of  
20     maybe 30 to 45 days to get it through and to the Commission.

21                     Now, from the point it's at the Commission to  
22     grant that, that really is a function of what kind of  
23     backlogs the Commission has going.

24                     JUDGE STEINBERG: Do you know what the time period  
25     was back in 1996, the second half of the year?

1 THE WITNESS: Probably -- I'm speculating here a  
2 little bit, I think maybe around three or four months from  
3 the time it went to the Commission to the grant date.

4 JUDGE STEINBERG: And it would still take about,  
5 what did you say, 30 to 45 days with PCIA?

6 THE WITNESS: Probably.

7 BY MR. SCHWANINGER:

8 Q Mr. Black, you also -- obviously you have been  
9 doing this quite some time. Could you tell us for how many  
10 years you have been preparing these applications for  
11 licenses?

12 A Spectrum License Consultants has been in business,  
13 it will be 10 years this October. Prior to that, in the  
14 early eighties, I was employed by RCA Land Mobile Radio  
15 Division, and I had five major accounts. Several of those  
16 were oil companies, one of them was Purolator Armored, which  
17 is not Limmish Armored, and I did a lot of their licensing  
18 for them, so I had some expertise from the early eighties.

19 And when I initially started in the radio  
20 business, in about 1960, at that point a radio salesman  
21 would sell radios, install radios, construct towers and get  
22 the license. So I have some knowledge of licensing dating  
23 back to 1960.

24 Q Now, people come to you and solicit your services.  
25 Do they tell you why they are soliciting your services

1     rather than doing the work themselves?

2           A     Right. They do tell me. And there is -- the  
3     overwhelming response is they don't know how to get through  
4     the system. They don't understand -- they don't understand  
5     the forms, which are ever changing. They don't understand  
6     the frequency coordination process. And in many cases they  
7     don't even understand what they need.

8           So my function is almost parallel to that of a  
9     CPA. It's fully legal for you to do your own income taxes,  
10    but most people in this day and age defer to a CPA because  
11    they don't have time and expertise to mess with that  
12    process. They don't have the time and expertise to do  
13    licensing.

14          Q     Did Mr. Brasher tell you why he was soliciting  
15    your assistance?

16          A     Pretty much for the same reason; that he didn't  
17    have the time that -- when I first met Ron, at that point  
18    the FCC was using a Form 574, which was a one-page legal-  
19    size form. And at that point some people were able to do  
20    their own licensing. But then it quickly evolved to the  
21    Form 600 and now to the Form 601, and a large percentage of  
22    my clients are communication businesses very much like Ron  
23    Brasher's business. Their job is to sell radios and service  
24    radios, not to do paperwork.

25          Q     Is it your impression of Ron Brasher that he

1     lacked -- he would fall in that category of people who  
2     lacked either the experience or the knowledge to perform  
3     this work himself reliably?

4           A     Yes, I believe that probably he does fall into  
5     that category.

6           Q     All right. You also mentioned in your previous  
7     testimony that you are aware of radio stations I believe we  
8     referred to as managed radio stations; is that correct?

9           A     Yes.

10          Q     Could you explain what a managed radio station is  
11     as you believe it to be?

12          A     Yes, I will. And here again, I will preempt by  
13     saying that I know very little about that. However, my  
14     understanding is, in conversations that I have heard from  
15     communications people over the years, is that apparently the  
16     manager and a licensee will enter into some sort of an  
17     agreement whereby the manager may construct a station and he  
18     may do that with his own money or he may do it with the  
19     licensee's money, I don't know. I guess it could vary. And  
20     he will construct and operate that station, and stay within  
21     the guidelines of FCC rules and regulations, make sure that  
22     the station is identified, et cetera, et cetera, and in  
23     return I suppose there is some sort of a monetary  
24     arrangement. That's pretty much my knowledge of that.

25          Q     Is it your impression that this methodology of

1 managing radio stations is legal?

2 MS. LANCASTER: Objection, Your Honor; calls for a  
3 legal -- oh, I'm sorry.

4 MR. KNOWLES-KELLETT: Objection.

5 MS. LANCASTER: I can't object. I'm sorry.

6 MR. KNOWLES-KELLETT: Objection, Your Honor.  
7 Calls for a legal conclusion.

8 JUDGE STEINBERG: The witness is not an attorney,  
9 and his answer will not be interpreted as a legal opinion,  
10 and you may answer whether you in your own mind believe this  
11 is legal.

12 THE WITNESS: In my own mind, I have seen nothing  
13 in the FCC rules and regulations that specifically say that  
14 that cannot be done. However, I will also mention that as  
15 far as Title 47 of the Rules, I primarily deal with Part 90,  
16 and I don't really get into Part 1 and Part 2 and the parts  
17 that deal with the interworkings, the legalities, the  
18 administrative. I don't do rule waivers and things like  
19 that. That's out of my realm of expertise.

20 But yes, in my own mind, I believe that that is  
21 seemingly a legal situation.

22 BY MR. SCHWANINGER:

23 Q Just to clarify this, you don't know of any FCC  
24 rule prohibiting management of a station?

25 A No, I do not.

1 Q Do you know that -- is it your impression that  
2 station management is a fairly common industry practice?

3 A Yes, I believe it is.

4 MS. LANCASTER: Your Honor -- Sorry.

5 BY MR. SCHWANINGER:

6 Q Now, when you represent someone for the purposes  
7 of preparing their applications, do you ever discuss the FCC  
8 rules?

9 A Yes.

10 Q Do you ever discuss PCIA?

11 A Yes.

12 Q Do you explain to people if they ask you questions  
13 what the process is, what you are doing for them?

14 A Yes.

15 Q Do you ever provide them advice on negotiating the  
16 process?

17 A Can you rephrase that?

18 Q Certainly.

19 If someone were to ask you a question regarding  
20 negotiating the process, would you provide them advice on  
21 whether or not, for example, the station class has to be FB-  
22 2 versus FB-4?

23 A Yes. And I would like to qualify that remark  
24 that, yes, I specifically get into the type of advice, and  
25 it is not legal advice, but quoting from Part 90 of the FCC

1 rules and regulations, that if you want to apply for certain  
2 type of license, first of all, you must be eligible to hold  
3 that kind of license. Number two, there are certain  
4 technical parameters that your effective radio power can  
5 only be so much based on your height above average terrain;  
6 that it must be classified as an FB-2 instead of an FB-4; if  
7 you want exclusive use of that channel, you may have to  
8 license it for X number of mobile units; and you also need  
9 to know that the FCC may ask you if you really have that  
10 many mobiles.

11 And everything that I give in the way -- I'm going  
12 to amend my statement. It's not really advice. I am  
13 relating to them conditions directly out of the rules  
14 because, and I don't interpret those rules either because  
15 that's not my job.

16 Q Okay. Just for clarification, I think this type  
17 of station has been mentioned earlier. What's community  
18 repeater?

19 A What is a community repeater?

20 Q Yes, please.

21 A A community repeater is the -- the station  
22 designator is an FB-4, and a community repeater started out  
23 quite some time ago, and it was primarily in the UHF  
24 spectrum, and what that meant is that every person who  
25 wanted to use radios on a certain frequency at a certain

1 location had to have their own license for the use of those  
2 mobiles on that frequency at that location, bearing in mind  
3 that several people may be all sharing the same frequency  
4 and the same equipment, the same repeater, and that's why  
5 it's called a community repeater.

6 Now, in more recent years they came up with a new  
7 type of system called a private carrier repeater which for  
8 the most part has replaced the community repeaters in UHF.

9 However, in the 900 megahertz spectrum --  
10 initially in 900 megahertz there were some SMR channels  
11 granted for a short time back in about '92 or '3, something  
12 like that. Since that time there are no more SMR-900  
13 channels, so every 900 license is pretty well set up as a  
14 community repeater.

15 Q Now, if I was a community repeater operator, i.e.,  
16 the entity that owned the repeater, would I be required to  
17 have an FCC license?

18 A Not if you don't have mobiles on it.

19 MR. KNOWLES-KELLETT: I think this is beyond the  
20 scope of the direct.

21 JUDGE STEINBERG: Overruled.

22 BY MR. SCHWANINGER:

23 Q You mentioned that the FB-6 licenses, if you will,  
24 took over for or the community repeaters evolved into a --  
25 and don't let me mischaracterize your testimony -- into FB-6

1 private carrier.

2 What was the difference between the old community  
3 repeater and an FB-6 private carrier?

4 A Okay. And here again this was primarily UHG.  
5 That a private carrier repeater grants an umbrella-type  
6 license normally to the repeater owner. And any units, any  
7 customers that he sells radios to or rents air time to on  
8 that repeater are encompassed by his blanket license.

9 Q Now, earlier in your testimony you were -- you  
10 were shown a number of applications prepared by you and  
11 filed with the FCC. The applicants' names of which were  
12 listed on Exhibit 66?

13 A All right.

14 Q Is that correct? I'm using that, that's the list  
15 that I think you conveniently have there.

16 A If it's Exhibit 66, yes, that's correct.

17 JUDGE STEINBERG: That's the list.

18 MR. SCHWANINGER: Yes.

19 THE WITNESS: Okay.

20 BY MR. SCHWANINGER:

21 Q Now, when you prepare applications, when you  
22 prepare the applications in those persons names, you said  
23 that it was your -- is it your testimony you believe that  
24 Ron Brasher filed those applications with PCIA or would  
25 have?

1 A Yes.

2 Q Now, on those applications is it true that you are  
3 listed as the contact representative?

4 A Yes.

5 Q And on those applications, other than the -- well,  
6 excuse me.

7 You say as being listed as the contact  
8 representatives you would sometimes be informed by PCIA as  
9 to the status of those applications in their system?

10 A Their normal procedure is to inform me once they  
11 have certified that application or they may contact me  
12 earlier if there is some sort of a problem.

13 An example of a problem might be that in searching  
14 their own databases they determine that maybe a frequency I  
15 applied for is not available, and they may call and say,  
16 sorry, there is somebody else has this channel. However, we  
17 have found a replacement for you if you so choose.

18 Q Would PCIA also communicate with the applicant?

19 A It's possible but normally I -- I've dealt with  
20 PCIA for about 10 years now, and normally they deal with me,  
21 although they could deal with the applicant.

22 Q Isn't it true that PCIA sends a postcard to  
23 applicants to tell them when the application is received?

24 A Yes, they normally do that.

25 Q And isn't it also true that PCIA will send a

1 postcard to the applicant to tell the applicant when the  
2 application is submitted to the Commission?

3 A That's true.

4 Q And those postcards are typically sent to the  
5 person listed on the application as the applicant?

6 A I believe that's true.

7 JUDGE STEINBERG: Did he say one was for when the  
8 application was received and the other postcard was for when  
9 it was granted?

10 THE WITNESS: They --

11 JUDGE STEINBERG: I missed the second.

12 MR. SCHWANINGER: I asked whether or not these --  
13 isn't it true that PCIA typically sends a postcard to the  
14 applicant when the application is submitted to the  
15 Commission.

16 JUDGE STEINBERG: Right. Oh, okay. So one is  
17 when PCIA receives?

18 THE WITNESS: When they receive the application.

19 JUDGE STEINBERG: And the second one is when the  
20 application is submitted to the Commission?

21 THE WITNESS: Goes to the Commission.

22 JUDGE STEINBERG: Okay. Thank you.

23 THE WITNESS: If I may add, they also normally  
24 send the same thing to me as the contact person. At one  
25 time they also sent a third postcard to both of us

1 indicating that the license had been granted. However, I'm  
2 not sure they are doing that anymore.

3 (Pause.)

4 BY MR. SCHWANINGER:

5 Q Do you recall whether or not Mr. Ron Bearden --  
6 Ron Brasher, excuse me, do you recall whether or not Ron  
7 Brasher discussed with you receiving addition T-band  
8 channels in Allen, Texas?

9 A Do I recall if he discussed receiving them?

10 Q Applying for, applying for. Excuse me.

11 A Yes, he sent me a list of applying for them.

12 Q Did you have any discussion about why he wanted to  
13 apply at Allen, Texas?

14 A No.

15 Let me make one minor comment. He probably said  
16 something like he needed more channels in that area, but I'm  
17 not sure. I don't know if that constitutes a discussion or  
18 not.

19 Q Is there any possibility that you might have  
20 mentioned to Ron Brasher the interpretation in 90.313 that  
21 you have regarding one channel per application?

22 A Not that I recall.

23 JUDGE STEINBERG: Let me jump in here if I may.

24 Do you know somebody named, I think it's Scott  
25 Fennell?

1 THE WITNESS: Yes.

2 JUDGE STEINBERG: F-E-N-N-E-L-L.

3 THE WITNESS: Yes. Scott Fennell is, or I don't  
4 think he's with PCIA anymore, but he --

5 JUDGE STEINBERG: Let's go back to '95-96 period.

6 THE WITNESS: All right.

7 JUDGE STEINBERG: Did you know Scott Fennell back  
8 then or know of Scott Fennell?

9 THE WITNESS: Yes.

10 JUDGE STEINBERG: And what did he do?

11 THE WITNESS: Scott was a frequency coordinator.  
12 he worked for the frequency coordinating department along  
13 with several other people.

14 JUDGE STEINBERG: Did you and -- and this is back  
15 in '95-96 period when these applications that are reflected,  
16 you know, the names in that -- I think everyone knows what  
17 I'm talking about, these applications, talking about the  
18 ones on your list.

19 THE WITNESS: Right.

20 JUDGE STEINBERG: When all this was going on, did  
21 you -- can you recall a conversation that you had with Ron  
22 Brasher relating to you something Scott Fennell told him?

23 THE WITNESS: No, Your Honor, I don't recall  
24 specifically a conversation. Bear in mind, though, for the  
25 last 10 years or so it's not uncommon for me to talk to

1 frequency coordinators on an average of once a day. It's  
2 also -- I'm a one-man operation, and on an average day I  
3 probably am involved in 50 to 100 telephone conversations.

4 So I talk to lots of my customers on a daily  
5 basis, and the coordinators all the time, and I may have had  
6 such a conversation, but I don't recall unless I had some  
7 more details.

8 JUDGE STEINBERG: What if I told you that  
9 hypothetically Scott Fennell told Ron Brasher that you can  
10 only get one license per person, and that the conversation -  
11 - in the conversation Ron asked you whether -- relayed to  
12 you what Scott said, or maybe he didn't relay to what Scott  
13 said, but asked you whether you could only get one --

14 MR. SCHWANINGER: Channel.

15 JUDGE STEINBERG: -- one channel per person.  
16 Would that refresh your memory? If it doesn't, it doesn't.

17 THE WITNESS: Honestly, Your Honor, it doesn't.

18 JUDGE STEINBERG: Okay. The conversation could  
19 have taken place?

20 THE WITNESS: Yes, it could have, but I don't know  
21 that it did.

22 JUDGE STEINBERG: Okay. So you don't either way?

23 THE WITNESS: No, Your Honor, I don't.

24 JUDGE STEINBERG: Okay. Thank you.

25 (Pause.)

1 MR. SCHWANINGER: I pass the witness.

2 CROSS-EXAMINATION

3 BY MR. PEDIGO:

4 Q Good morning, Mr. Black.

5 A Good morning.

6 Q We met outside for the first time; is that  
7 correct?

8 A Yes, that's correct.

9 Q And we talked about New Mexico, among other  
10 things, but really not this case; is that correct?

11 A That's correct.

12 Q I want to ask you, in response to some of the  
13 questions from Mr. Knowles-Kellett you talked about the  
14 research that you do with respect to frequencies.

15 Do you recall that?

16 A Yes.

17 Q Okay. And I'm trying to get a sense for what  
18 types of documents and what types of information you are  
19 able to uncover in that research. And I would ask you  
20 specifically to look at Exhibit No. 1, if you could, please.

21 A All right.

22 Q And I know that's a lengthy exhibit, but take a  
23 look at pages 34 and 35. If you could look at pages 34 and  
24 35 of Exhibit 1, please.

25 A All right. All right.

1 Q Do you recognize this document? Let me rephrase  
2 it.

3 Do you recognize this kind of document?

4 A Yes, I do.

5 Q And how do you recognize this?

6 A This looks like it was a printout from the ISI  
7 database. ISI was a company I had mentioned earlier that at  
8 one time had a contract with the FCC to provide third party  
9 access to the FCC databases, and that's what their  
10 documentation looked like.

11 Q All right. Does this say -- looking at page 34,  
12 the top left, it shows November '97. Do you see that date?

13 A Yes, I do.

14 Q Okay. What does that date indicate to you, if  
15 anything?

16 A Well, I'm not sure what that indicates.

17 Q Okay. If you could look at page -- the second  
18 page of that printout, and it's page 35 of Exhibit 1.

19 A All right.

20 Q Can you see an address there that you recognize?

21 A No, I do not.

22 Q 2244 Larson Lane, Suite 104?

23 A Oh, all right. Yes, I recognize that address.

24 Q And how do you recognize that address?

25 A That's the address of Metroplex Two Way Radio.

1           Q     Okay. And if you could look at page 40 and --  
2     well, I'm sorry, before you turn, what do these two pages  
3     relate to?

4           A     Well, this looks like a database copy -- I don't  
5     use ISI anymore. As a matter of fact, they are not even in  
6     business anymore. But one of the things you could do, you  
7     could go into their database and you could retrieve data by  
8     various key words or key phrases.

9                     In this particular case, if you had -- if you had  
10    done a search of all of the licenses for Brasher, David L.,  
11    this would have been one of them that came up. Or if you  
12    had done a search for WPJR757, this would have come up. Or  
13    if you had searched the frequency 4383625 at that latitude  
14    and longitude, it would have pulled up a copy of this and  
15    then you just print it out.

16          Q     Okay. And at that latitude and longitude, what is  
17    significant about that specific place on the earth's  
18    surface?

19          A     Well, it's Allen, Texas.

20          Q     Does that indicate that's where a radio tower, a  
21    broadcast tower would be?

22          A     Yes.

23          Q     Okay.

24                     JUDGE STEINBERG: Could you search by 224 Larson  
25    Lane?

1 THE WITNESS: Using that service, I don't believe  
2 you could, Your Honor, because that is a -- if you were to  
3 search the coordinates that were identified -- no, you  
4 couldn't in this particular case.

5 JUDGE STEINBERG: In this particular case you  
6 couldn't do it by Larson Lane?

7 THE WITNESS: No, you couldn't. You could --  
8 because in this particular case the latitude and longitude  
9 of the Larson Lane address are not listed. They should have  
10 been but they are not. If they were listed, then you could  
11 search by latitude and longitude and pull up copies of any  
12 licenses at that address.

13 BY MR. PEDIGO:

14 Q But in any event, this is information that is  
15 available to the public?

16 A Yes.

17 Q Or did ISI require a fee to use that service?

18 A Oh, all right. ISI did require a fee. They are  
19 no longer in business. There are several other companies  
20 that do basically the same thing, an enhanced version. They  
21 also require a fee. Now this kind of information can be  
22 pulled up directly from the FCC databases at no charge.

23 Q So if somebody asked you to perform research to  
24 find out how many T-band license applications had been say  
25 submitted let's say for Larson Lane at that latitude and

1 longitude, you could ultimately find it if you did the  
2 research?

3 A I couldn't do the Larson Lane in this  
4 particular -- if I had the latitude and the longitude, yes,  
5 I could do that.

6 Q And if you got that latitude and longitude, then  
7 you could pull this document up and see if it was Larson  
8 Lane or not, correct?

9 A Probably. Yes. Mmm-hmm.

10 Q Okay. So the database doesn't sort of Larson  
11 Lane. You would sort the database or make the query using  
12 the lat. and long, and then determine if it was Larson Lane?

13 A That's correct.

14 Q Okay. So it doesn't surprise -- well, have you  
15 ever heard of a term a "strike application"?

16 A A strike?

17 Q Application.

18 A No, I have not.

19 Q When you went to Lewisville, were you aware of a  
20 company called Net Wave?

21 A No.

22 Q Okay. Was there ever a discussion with Mr.  
23 Brasher that there should be an attempt to conceal that all  
24 these applications were going to be tied to Metroplex or DLB  
25 Enterprises?